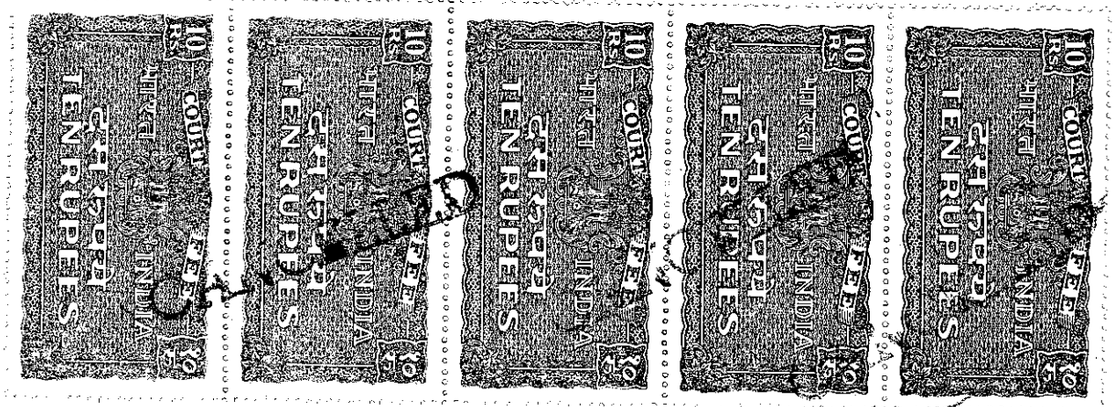

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 109 /2002

PETITIONER : Ramesh Kumar Jain,
S/o Late Shri N.M.Jain,
L.D.C. (Terminated),
Devanand Jain Higher Secondary
School R/o Bajrang Ward No.1
Near Fulwari, Rajnandgaon.

- Versus –

RESPONDENT : 1. President,
Devanand Jain Higher
Secondary School,
Rajnandgaon(C.G.)

2. Directorate,
Public Instructions,
Bhopal (M.P.)

3. Joint Director,
Public Instructions,
Durg (C.G.)

P. R. No. 96/02
Presented by Shri S. Sahu
dated 9/1/02

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERITORARI,MANDAMUS,PROHIBITION OR ANY OTHER SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

XI-HC-22

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

A.F.R.

आदेश पत्रक

मामला क्रमांक W.P. No. 109/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11/3/2002 Shri Prashant Jayaswal for the petitioner. Shri Gautam Bhaduri, Govt.Advocate, for respondents no.2 and 3 on advance copy. Heard. The grievance of the petitioner is that his services have been terminated and the departmental appeal dated 6/10/2000(Annexure-P/3) is pending with the Director/respondent no.2, which has not been disposed of in spite of the representations made, Annexures-P/4 and P/5. It is pointed out that the appeal ought to have been decided as early as possible and no reason is there for not deciding the same. A Statute provides appeal as alternative efficacious remedy and the appellate authority also being there the appeal preferred must be decided as early as possible so as to make the provision of appeal effective, yet it	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 109/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

remains pending for years which is not at all the Healthy Practice . The State is obliged to see that the authorities enjoined with power to hear and decide the appeal must find out time and should ~~ordinarily~~ see that the matter is decided expeditiously , especially where the services of an earning member are terminated. The delay defeats the very object of statutory appeal. In case the appeal is dismissed, the appellant may pursue further remedy and in case the appeal is allowed but after lapse of years, it causes burden on State in case of re-instatement with back-wages. The appellate authorities should be reminded of their duties. If needed, proper training of work should be conducted.

Having considered the facts and circumstances and material available on record, the appeal preferred shall be decided by the appellate authority i.e. respondent no.2 as early as possible within a period of six weeks from the date of production of the certified copy of this order and the report shall be submitted to

[पीछे देखिये

(34)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 109/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the Registrar of this Court regarding compliance of the order. The parties to the appeal shall co-operate.

On failure of the aforesaid compliance, proper orders shall be passed.

With the aforesaid observations, this petition is disposed of at this stage.

Certified photo copy as per rules.

Sd/-
Fakhruddin
Judge